



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
[www.raleighnc.gov](http://www.raleighnc.gov)

**Case File:** A-64-17

**Property Address:** 3417 Churchill Road

**Property Owner:** Jupiter Development, LLC

**Project Contact:** Scott Hallihan

**Nature of Case:** A request for a 2.5' street setback variance (closer to the street) from the Infill Compatibility Requirements set forth in Section 2.2.7.C. of the Unified Development Ordinance to allow for a detached house that is 46.2' from the front property line on a .31 acre parcel zoned Residential-4 and located at 3417 Churchill Road.



**3417 Churchill Road – Location Map**

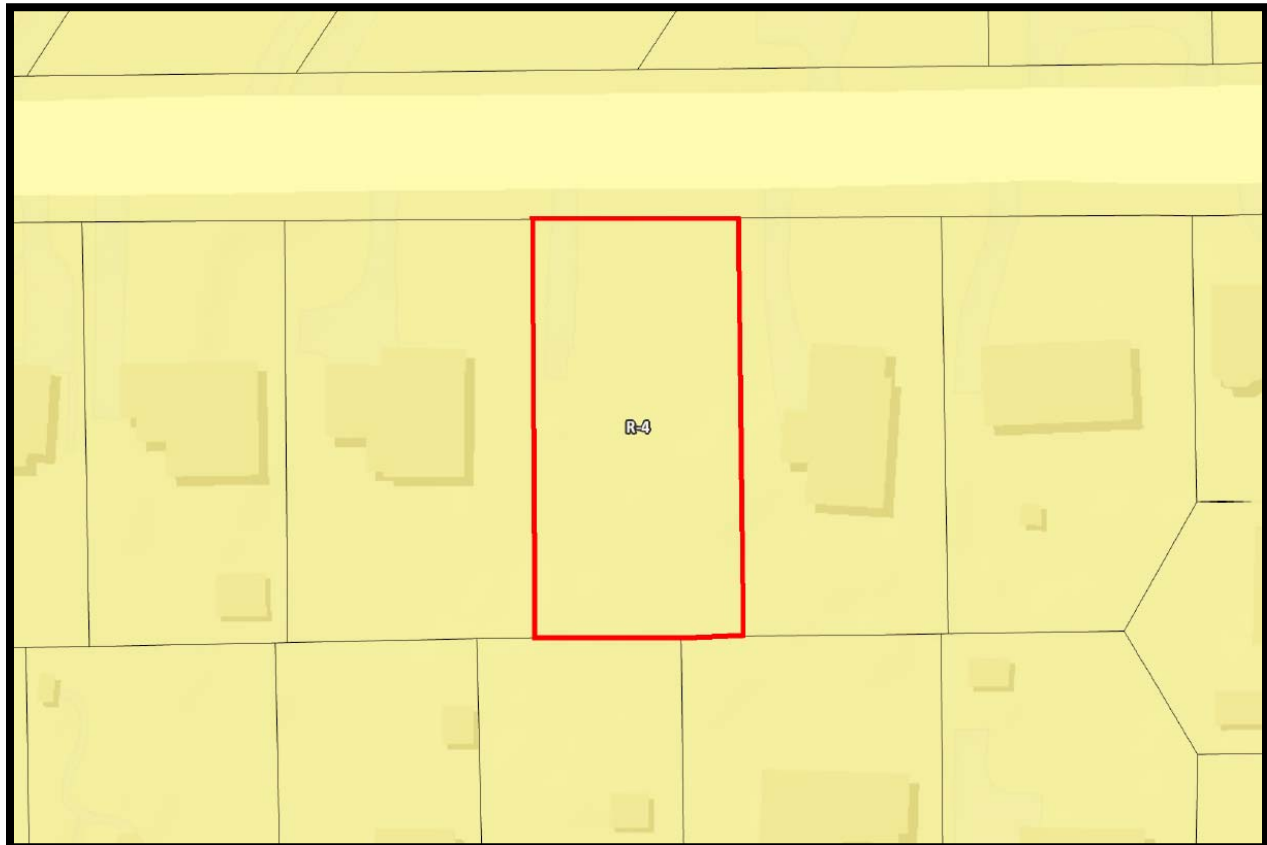
---

**To BOA:** 5-8-17

**Staff Coordinator:** Eric S. Hodge, AICP

---

**ZONING  
DISTRICTS:** Residential-4



### 3417 Churchill Road – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from

personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

**Zoning District Standards:** The subject property is zoned Residential-4

**Lot Dimensions**

Area (min)	10,000 SF
Width – interior lot (min)	65
Width – corner lot (min)	80'
Depth -	100;'

**Yard Type**                      **Minimum Setback**

Primary Street	20'
Side Street	15'
Side	10'
Sum of Sides	20'
Rear	30'

**Section 2.2.7 Residential Infill Compatibility**

**A. Intent**

The intent of the residential infill compatibility standards is to accommodate and encourage compatible development in existing residential neighborhoods, while reinforcing the established character of the neighborhood and mitigating adverse impacts on adjacent homes.

**B. Applicability**

1. The standards contained within this section apply to any building in an R-4, R-6 or R-10 district where all of the following are present:

- a. The total site area is 5 acres or less;

- .
- b. At least 50% of the side and rear property lines abut existing detached or attached building types; and
- .
- .
- c. The lot must have been recorded for at least 20 years. This time period includes subsequent recombinations or subdivisions of the original lot configuration or recordation.
- .
- 2. These infill compatibility rules do not apply in a General or Streetside Historic Overlay District or in a Neighborhood Conservation Overlay District where height is regulated.

### **C. Street Setback**

1. The proposed building must be located within the range of setbacks, no closer than the smallest setback in the range and no further than the largest setback in the range, except where a Neighborhood Conservation Overlay District applies an alternate setback.
2. On an interior lot, the range of setbacks is measured on the basis of the 2 closest lots in either direction along the block face.
3. On a corner lot, the range of setbacks is measured on the basis of the 3 closest lots along the primary block face.
4. Where the calculation cannot be applied to at least 4 lots on an interior lot or 3 lots on a corner lot, the building must meet the district standards.

# Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p>Nature of variance request (if more space is needed, submit addendum on separate sheet):</p> <p>We would like to request a 3ft variance (total) on the <del>rear and</del> front yard setback so that we can fit our house on the lot. We are challenged by the front setback infill requirements pushing the front of the house back 49ft. <del>Also, impervious of 41.5%, not 38%.</del></p>	<p>Transaction Number</p> <p>A-64-17</p>
<p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</p>	

GENERAL INFORMATION		
Property Address 3417 Churchill Rd		Date March 28, 2017
Property PIN 0794389154	Current Zoning R4	
Nearest Intersection Dogwood Lane		Property size (in acres) 0.31
Property Owner Jupiter Development LLC	Phone 919-633-0670	Fax
Owner's Mailing Address 1407 Rodessa Run	Email scott.hallihan@gmail.com	
Project Contact Person Scott Hallihan	Phone 919-633-0670	Fax
Contact Person's Mailing Address 1407 Rodessa Run	Email scott.hallihan@gmail.com	
Property Owner Signature <i>Scott Hallihan</i>	Email scott.hallihan@gmail.com	
Notary Sworn and subscribed before me this <u>7<sup>th</sup></u> day of <u>April</u> , 20 <u>17</u>	Notary Signature and Seal <i>Delphine A. Jenkins</i> 	

SUBJECT PROPERTY IS \_\_\_ IS NOT X LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED ON FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP  
NUMBER 3720079400J ZONE X

NOTE: DRIVEWAY PERVIOUS MATERIAL TO BE "TECHO-BLOC" OR SIMILAR MATERIAL RATED @ 50% IMPERVIOUS.

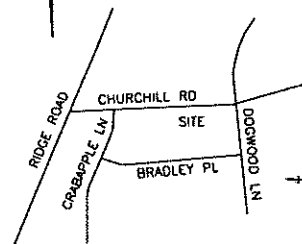
ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF RALEIGH AND NCDOT STANDARDS AND SPECIFICATIONS

N/F  
SANDRA H WIMBERLEY  
DB 2124, PG 502  
PIN 0794470937

N/F  
DON R MOODY  
JANE O MOODY  
DB 15037, PG 206  
PIN 0794379937

PLAN INFORMATION BLOCK						
Footprint	Total Square Feet:		Basement:	Stories:		
	Crawl:					
Mean Height:		Imperious Surface Area:				
Face:						

BM 2004, PG 1967



VICINITY MAP  
N.T.S.

N/F  
THOMAS C HOWARD  
BETTY L HOWARD  
DB 4348, PG 727  
PIN 0794480144

( ONE STORY BLDG. )

PROPOSED IMPERVIOUS AREAS  
HOME 3,834 S.F.  
CONC. DR. 1,076 S.F.

3.0' DRIVE TRACKS 311 S.F.  
A/C 9 S.F.  
TOTAL 5,230 S.F.

5,230/13,781=38%  
ALLOWABLE 38%

290.00' TO A POINT WHERE CHURCHILL RD INTERSECTS DOGWOOD LN

SEE MAP ENTITLED:  
RIDGEWOOD  
BM 1953, PG 103  
DB 14200, PG 1782

RECOMBINATION MAP OF LOT 22 & PART OF LOT 21 INTO LOT 22

SCOTT M. HALLIHAN  
BM 2004, PG 1967

LOT 22 BLOCK B

RECORDED IN BOOK OF MAPS 2004, PAGE 1967, WAKE COUNTY, N.C.

I, JOHN Y. PHELPS, JR. HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT THE BUILDINGS LIE WHOLLY ON THE LOT AND THAT THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON SAID LOT UNLESS SHOWN OTHERWISE. THIS MAP IS NOT FOR RECORDING.

JOHN Y. PHELPS, JR. PLS # 1319

N 86°58'39" W 81.14'

LOT 22

13,781.45 S.F.  
0.3164 AC.  
(VACANT LOT)

27.83' 28.33' 18.75' 27.83' 12.00'

PROPOSED HOME

9.75' 22.58' 4.13' 10.4' 23.83' 4.2'

GARAGE

WATER METER

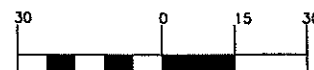
BACK OF CURB

S 86°57'58" E 81.20'  
CHURCHILL ROAD

BUILDER TO VERIFY HOUSE DIMENSIONS

EXISTING CURB CUT TO BE REPLACE WITH CURB

GRAPHIC SCALE



( IN FEET )

1 inch = 30 ft.

LEGEND

EIP EXISTING IRON PIPE MH MANHOLE  
NIP NEW IRON PIPE PP POWER POLE  
MON MONUMENT R/W RIGHT OF WAY  
PK PARKER KALON HAIL C/L CENTER LINE  
C.B. CATCH BASIN FES FLARED END SECTION

PROPERTY OF CONVERTED TO PLOT PLAN 04/02/17  
SCOTT M. HALLIHAN

3417 CHURCHILL RD.  
RALEIGH, WAKE COUNTY, N.C.

SCALE 1"=30'

DATE 02/06/14

FB 1043

#59131

JOHN Y. PHELPS, JR.

PROFESSIONAL LAND SURVEYOR

5110 BUR OAK CIRCLE  
RALEIGH, NORTH CAROLINA, 27612 (919) 787-3858

# FRONT ELEVATION

SCALE: 1/4" = 1'-0"

THIS PLAN DESIGNED UNDER NORTH CAROLINA  
RESIDENTIAL CODE 2012 EDITION (2004 IBC)

HAND DRAWING FOR CONSTRUCTION BY THE ARCHITECT

NOTES: 1. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT

2. ALL FINISHES TO BE APPROVED BY THE ARCHITECT

3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

11. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

12. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

13. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

14. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

15. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

16. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

17. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

18. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

19. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

20. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

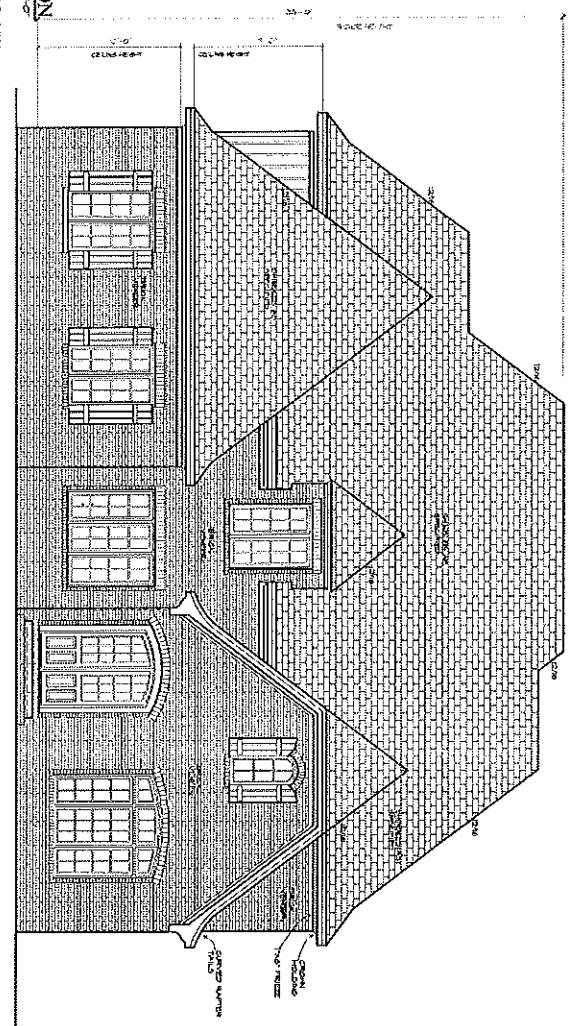
21. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

22. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

23. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE

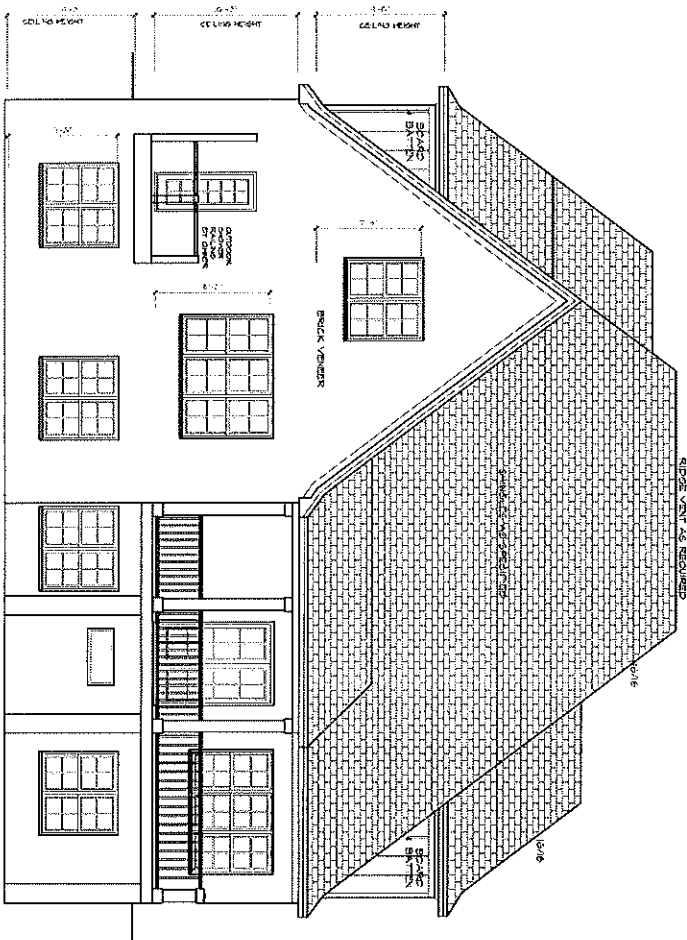
24. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2004 IBC

25. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2012 NC RESIDENTIAL CODE



# REAR ELEVATION

SCALE: 1/4" = 1'-0"



DATE	REV	DATE	REV
10/1/14	1		
10/1/14	2		
10/1/14	3		
10/1/14	4		
10/1/14	5		
10/1/14	6		
10/1/14	7		
10/1/14	8		
10/1/14	9		
10/1/14	10		
10/1/14	11		
10/1/14	12		
10/1/14	13		
10/1/14	14		
10/1/14	15		
10/1/14	16		
10/1/14	17		
10/1/14	18		
10/1/14	19		
10/1/14	20		
10/1/14	21		
10/1/14	22		
10/1/14	23		
10/1/14	24		
10/1/14	25		

CUSTOM RESIDENCE FOR:

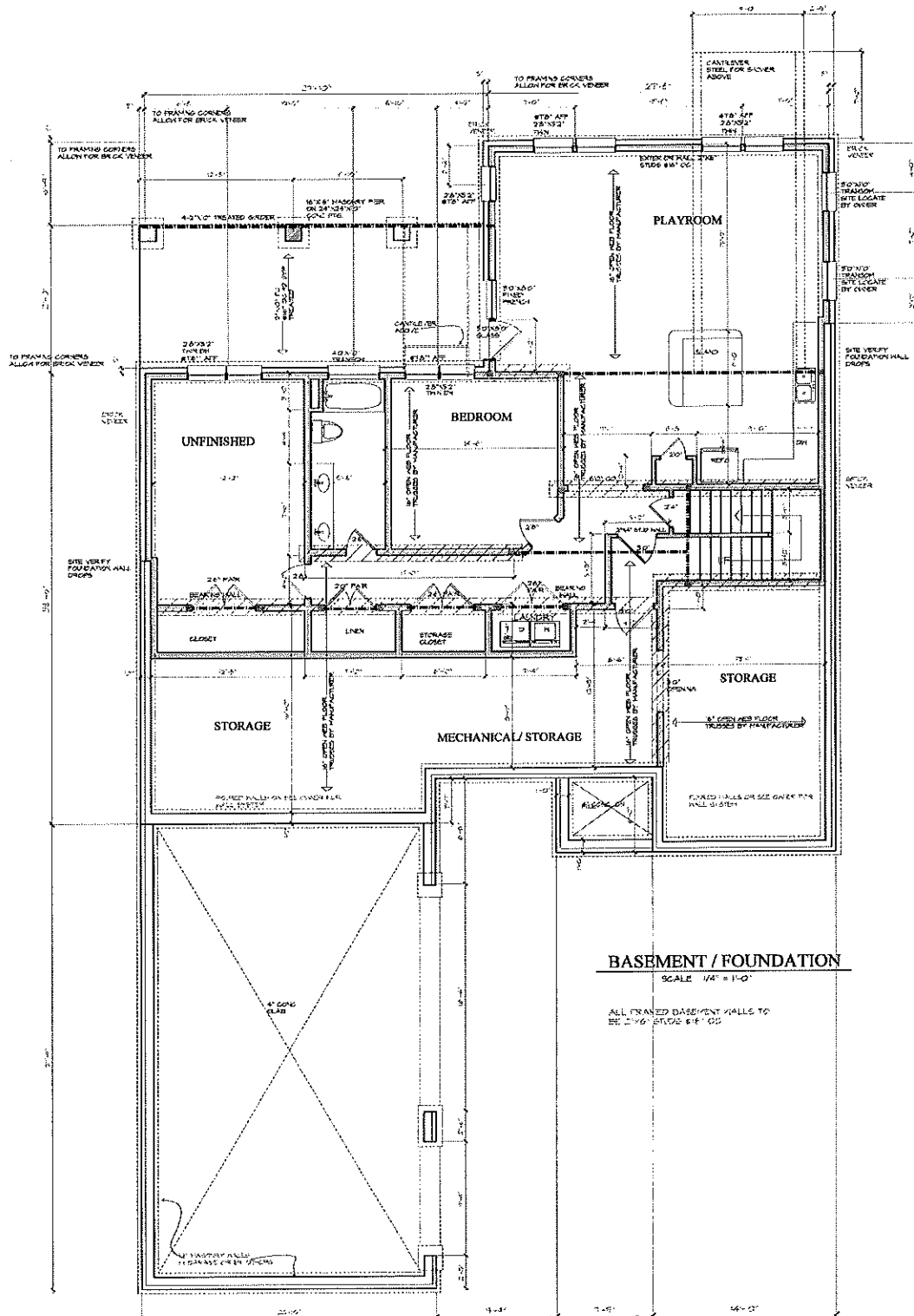
SCOTT HALLIHAN

**MIDTOWN DESIGNS**

MidTown Designs Inc. 5300 Six Forks Rd. Suite 107 Raleigh NC 27609 Phone: 919-783-8028 www.midtowndesigns.com

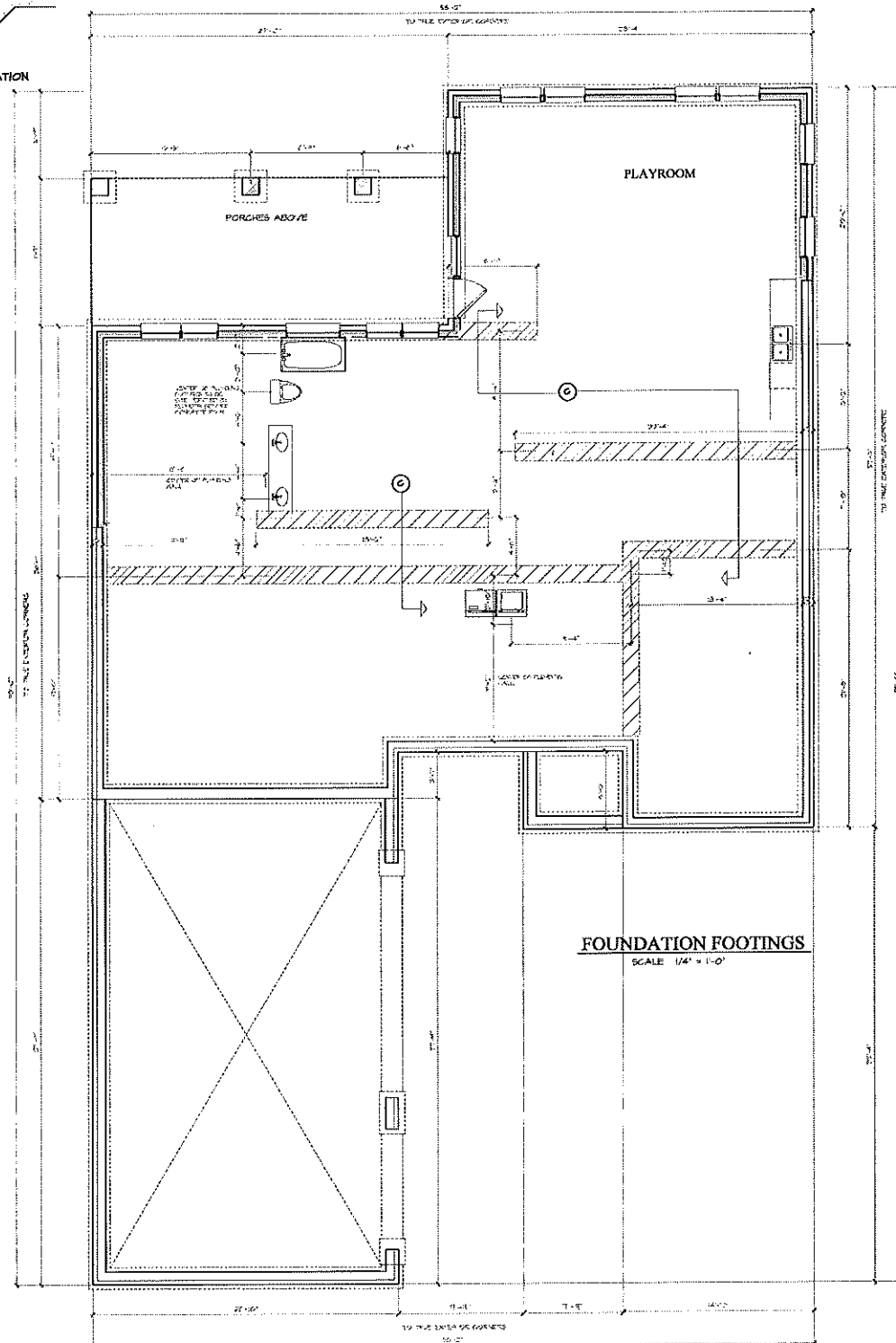
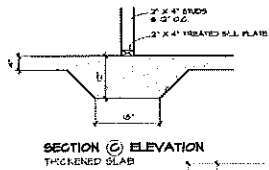






DATE	REV	DATE	REV
10/1/16	1		
10/1/16	2		
10/1/16	3		
10/1/16	4		
10/1/16	5		
10/1/16	6		
10/1/16	7		
10/1/16	8		
10/1/16	9		
10/1/16	10		

CUSTOM RESIDENCE FOR:  
**SCOTT HALLIHAN**

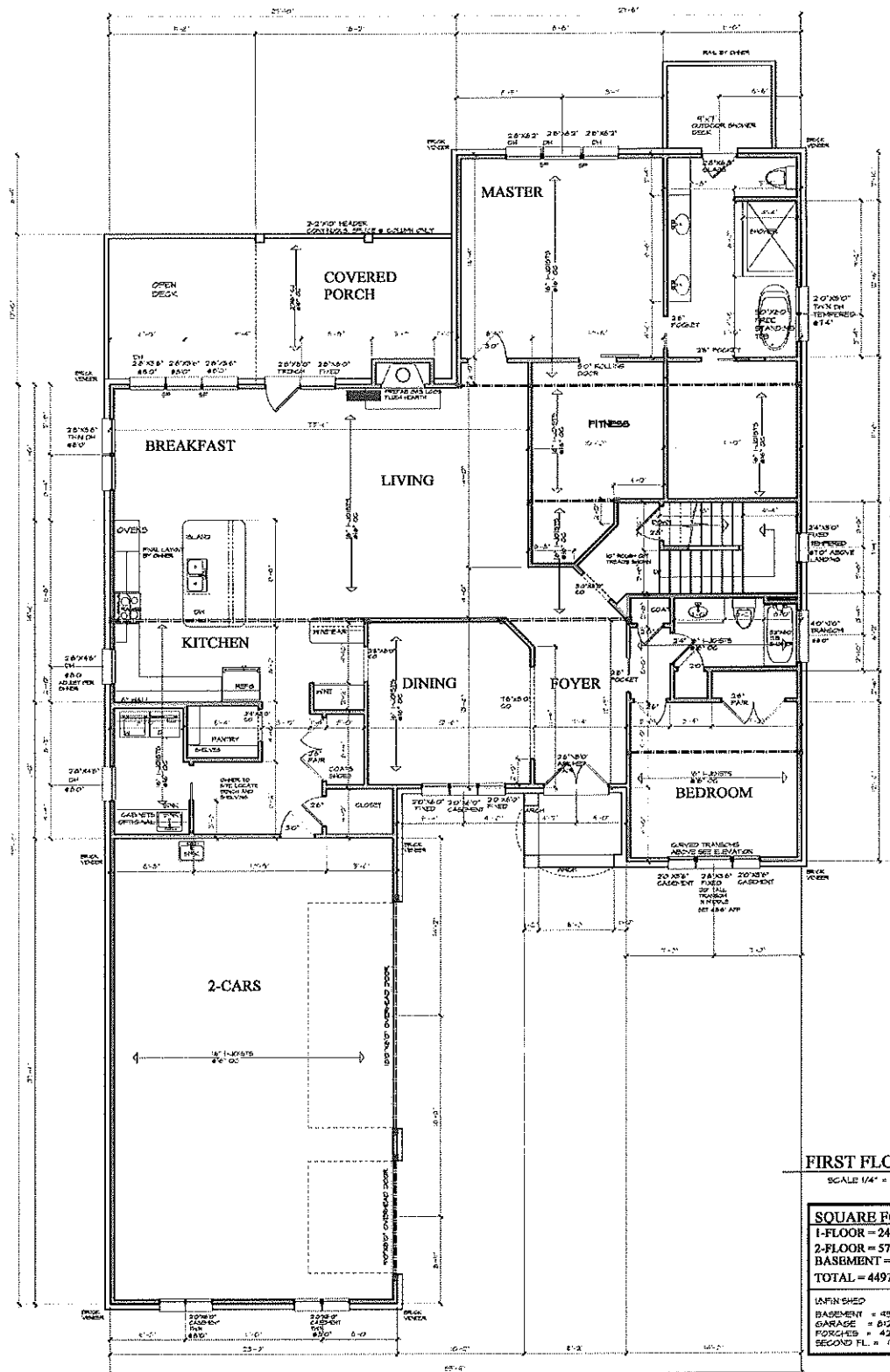


DATE	REV	DATE	REV
10/10/15	1		
10/10/15	2		
10/10/15	3		
10/10/15	4		
10/10/15	5		
10/10/15	6		
10/10/15	7		
10/10/15	8		
10/10/15	9		
10/10/15	10		

CUSTOM RESIDENCE FOR:

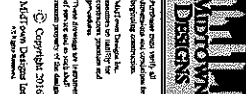
SCOTT HALLIHAN

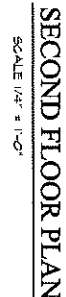




DATE	REV	DATE	REV
10/1/14	1	10/1/14	1
10/1/14	2	10/1/14	2
10/1/14	3	10/1/14	3
10/1/14	4	10/1/14	4
10/1/14	5	10/1/14	5
10/1/14	6	10/1/14	6
10/1/14	7	10/1/14	7
10/1/14	8	10/1/14	8
10/1/14	9	10/1/14	9
10/1/14	10	10/1/14	10

CUSTOM RESIDENCE FOR:  
**SCOTT HALLIHAN**



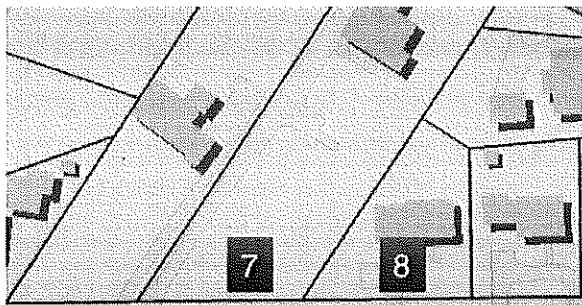




## Adjacent Property Owners - Within 100Ft

Subject: 3417 Churchill Rd, Raleigh NC 27607

1. 3421 Churchill Rd, Nicole M. Royster, Jamie C. Royster
2. 3413 Churchill Rd, Thomas C. Howard
3. 3418 Bradley Pl, Jane O. Moody, Don R. Moody
4. 3412 Bradley Pl, Sandra H. Wimberley
5. 3427 Churchill Rd, Richard C. Axtell, Elizabeth Axtell
6. 3407 Churchill Rd, Cynthia Ellen Garrison, Trustee of The Alicia Heath Supplemental Needs Trust
7. 3418 Churchill Rd, Fredrick Hale Thornhill, Trustee, Thornhill, Fabian Griffin Trustee
8. 3408 Churchill Rd, Laura B. Russell, Reid Russell
9. 3406 Bradley Pl, Barbara H Chason
10. 3422 Bradley Pl, Thomas R. Albertine, Deborah K. Albertine



Churchill Rd

